

## Message Text

SECRET

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W  
-----311734Z 125346 /44

R 311637Z JAN 77  
FM AMEMBASSY NICOSIA  
TO SECSTATE WASHDC 5240

S E C R E T SECTION 1 OF 2 NICOSIA 0296

EXDIS

E.O. 11652: SGDS-2  
TAGS: PFOR, SY, CY, US  
SUBJECT: DAVIES CASE

SUMMARY: DAVIES INVESTIGATION REVIEWED IN DEPTH WITH CYPOL ON JAN. 26. CYPOL'S COVERING REPORT FOR GOC ATTORNEY GENERAL (A/G) BEING TYPED. PHERSON HAS BEEN BRIEFED FROM DRAFT COPY. DEMETRIOU NOW CLAIMS ONLY A/G CAN RELEASE A COPY TO USG. DEMETRIOU HAS CONCLUDED, FOLLOWING JAN. 25 EXAMINATION OF EMBASSY INTERIOR BY CYPOL AND OTHER GOC TECHNICIANS WHO DETERMINED TRAJECTORY OF FATAL SHOTS, THAT SHOTS CAME FROM AREA OF SECOND-FLOOR STAIRWELL WINDOW OF ADJACENT BUILDING WHICH WAS UNDER CONSTRUCTION AT TIME OF INCIDENT. DEMETRIOU SAYS THIS PROBABLY RULES OUT MURDER OR FELONY/HOMICIDE CHARGES. IN UNEXPECTED MOVE, CYPOL SAYS IT WILL PROBABLY FORWARD CASE TO A/G ON JAN. 29 WITHOUT RECOMMENDATIONS FOR SPECIFIC CHARGES, LEAVING THAT DETERMINATION TO A/G. COVERING REPORT WILL SET FORTH INDICTABLE ACTIONS BY EIGHT PERSONS. TO OFFSET TENDENCY TOWARD SLIPPAGE IN POLICE RESOLVE IN THIS CASE, ON JANUARY 31 AMBASSADOR SAW A/G AND DCM CALLED ON FONOFF DIRGEN PELAGHIAS. LATTER SPOKE OF UNDER SECRETARY BABIB'S REPRESENTATION TO CYPRUS AMBASSADOR (STATE 19417) AND SAID HE WOULD BE DISCUSSING CURRENT STATUS OF CASE WITH MAKARIOS. PHERSON/DEMETRIOU DISCUSSIONS ARE CONTINUING. END SUMMARY.

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1. CYPOL OFFICIALS REVIEWED THE DAVIES INVESTIGATION WITH PHERSON AT LONG MEETING IN ASST. COMMANDER DEMETRIOU'S OFFICE ON JAN. 26. INSPECTOR PETRIDES AND A FORENSIC EXPERT, INSPECTOR ANDREAS CHRISTOFIDES, WERE PRESENT. (CHRISTOFIDES PARTICIPATED IN THE ORIGINAL INVESTIGATION ON AUGUST 19 AND 20, 1974.)

2. DEMETRIOU REVIEWED THE RESULTS OF THE JAN. 25 EXAMINATION BY CYPOL FORENSIC EXPERTS AND GOC LANDS AND SURVEYS DEPT. TECHNICIANS OF THE AMBASSADOR'S OFFICE AND HALLWAY AREA AS IT WAS ON AUGUST 19, 1974. HE HAS DETERMINED THAT AT LEAST NINE SHOTS PENETRATED AMBASSADOR DAVIES' OFFICE WINDOW. SIX OF THE NINE WERE ACCOUNTED FOR AS HAVING STRUCK INTERIOR WALLS. THREE SHOTS ARE BELIEVED TO HAVE PENETRATED THE HALLWAY. ONE, A "PRISTINE" BULLET, STRUCK AND FATALLY INJURED AMBASSADOR DAVIES. THE SECOND, A TUMBLING BULLET, STRUCK AND INSTANTLY KILLED MISS NARNAVA. THE THIRD BULLET STRUCK A DOOR FRAME AND MAY HAVE RICOCHETED. CYPOL HAS CONCLUDED THAT THE THREE SHOTS CAME FROM THE AREA OF THE SECOND-FLOOR STAIRWELL WINDOW OF THE ADJACENT BUILDING UNDER CONSTRUCTION.

3. DEMETRIOU HAS STATED THAT CYPOL HAS NOW RULED OUT THE POSSIBILITY THAT THE FATAL SHOTS COULD HAVE BEEN FIRED BY KTIMATIAS FROM THE GROUND-LEVEL CORNER OF THE ADJACENT BUILDING. FURTHER, CYPOL HAS NO CONCLUSIVE INFORMATION WHICH IDENTIFIES ANY PERSON FIRING FROM THE SECOND-FLOOR STAIRWELL WINDOW OF THAT BUILDING. DEMETRIOU CONCLUDES THAT THIS MEANS THE INVESTIGATION CANNOT SUSTAIN INDICTMENTS OF MURDER OR FELONY/HOMICIDE. (COMMENT: SOTIRIOU HAS FURNISHED CONFLICTING INFORMATION IN THIS REGARD. HE HAS CONSISTENTLY TOLD PHERSON, MOST RECENTLY ON THE EVENING OF JAN. 25, 1977, THAT HE HAD SEEN KTIMATIAS, LEFTIS, AND LOUIZOU SAVVA IN THE SECOND OR THIRD-FLOOR STAIRWELL WINDOW. CYPOL INSISTS

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SOTIRIOU'S SIGNED STATEMENT SPECIFICALLY SAYS HE SAW THE THREE SUSPECTS IN THE SIXTH-FLOOR STAIRWELL WINDOW. DEMETRIOU INDICATES CYPOL IS RELUCTANT TO TAKE ANOTHER STATEMENT FROM SOTIRIOU TO RESOLVE THE DISCREPANCY, BECAUSE TO DO SO WOULD SERIOUSLY IMPAIR LATTER'S CREDIBILITY. DEMETRIOU BELIEVES SOTIRIOU'S AMBIGUITY IS CALCULATED, I.E., TO PROTECT HIS IDENTITY AS THE SOURCE WHO HAS BEEN CONFERRING WITH PHERSON AND TO AVOID REPRISALS FROM THE EOKA-B BY NOT PROVIDING TESTIMONY WHICH WOULD BE TOO DAMAGING TO EOKA-B SUPPORTERS. END COMMENT).

4. THE OFFICIAL COVERING REPORT IS NOW BEING TYPED IN FINAL FORM FOR FORWARDING TO THE ATTORNEY GENERAL, WITH A DEADLINE OF FEBRUARY 2. DEMETRIOU AND PHERSON HAVE DISCUSSED CONTENTS OF THE DRAFT OF THE COVERING REPORT. ON JAN. 27 DEMETRIOU SAID HE COULD NOT RELEASE THE FINAL TEXT TO THE USG AS PREVIOUSLY AGREED, BECAUSE IT IS OFFICIALLY THE PROPERTY OF THE A/G. AFTER FURTHER DISCUSSION JAN. 31,

DEMETRIOU MODIFIED HIS POSITION; PERSON WILL NOW BE ABLE  
STUDY THE REPORT BEGINNING FEBRUARY 1 PROVIDED IT REMAINS  
IN POLICE CUSTODY UNTIL A/G APPROVES ITS RELEASE.

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EXDIS

5. IN ANOTHER UNEXPECTED MOVE, DEMETRIOU ADVISED THAT  
CYPOL PROBABLY WILL NOT MAKE SPECIFIC RECOMMENDATIONS FOR  
THE VARIOUS CHARGES IN THE INDICTMENTS. HE PLANS TO  
FORWARD THE COVERING REPORT TO THE A/G AND MAKE ONLY ORAL  
RECOMMENDATIONS. IN HIS BEST JUDGMENT DEMETRIOU FORESEES  
ONE OR MORE OF THE FOLLOWING CHARGES: (A) UNLAWFUL  
DISCHARGING A FIREARM, A FELONY (TEN YEARS); (?) POSSESS-  
ING A FIREARM OR EXPLOSIVES WITH INTENT TO ENDANGER LIFE  
OR DAMAGE PROPERTY, A FELONY (FIVE YEARS); (C) RIOTING,  
A MISDEMEANOR (THREE YEARS); AND (D) CARRYING ARMS TO  
TERRORIZE, A MISDEMEANOR (TWO YEARS). MOST OF THE  
EIGHT PERSONS ACCUSED WILL FACE MULTIPLE CHARGES. THEY  
WILL INCLUDE KTIMATIAS, LEFTIS, LOIZOU SAVVA, XENOFON  
XENOFONTOS, NOCOS DEMITRIADES, VASILIS PROESTOS, COSTAKIS  
CHARALAMBOS AND CHRISTOS LEONIDA. (COMMENT: NOTE THAT  
ALL PERSONS KNOWN TO BE LYSSARIDES SUPPORTERS OR AKEL  
MEMBERS NO LONGER APPEAR ON THE SUSPECT LIST. THE  
APPEARANCE OF LEONIDA IS A SURPRISE. HE WILL BE CHARGED  
WITH RIOTING. HE WAS SEEN ATTEMPTING TO OVERTURN AN  
EMBASSY VEHICLE. HE IS APOLITICAL.)

6. CONCERNED THAT THE DIRECTION OF DEMETRIOU'S RECENT  
COMMENTS REGARDING THE POLICE COVERING REPORT AND POSSIBLE  
CHARGES MIGHT PRESAGE A DILUTION OF GOC RESOLVE IN THIS  
CASE, AMBASSADOR SAW A/G TORNARITIS JANUARY 31 TO GO OVER  
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ITS EVOLUTION SINCE AMBASSADOR DAVIES' MURDER. TORNARITIS SHOWED SYMPATHETIC UNDERSTANDING OF OUR CONCERN THAT OUT OF POLICE FEAR OF EOKA-B REPRISAL JUSTICE MIGHT NOT BE DONE. HE PROMISED TO DISCUSS HIS TENTATIVE CONCLUSIONS WITH AMBASSADOR AS SOON AS HE HAS HAD AN OPPORTUNITY STUDY THE POLICE REPORT.

7. AS AN ADDITIONAL PRECAUTION DCM SAW FONOFF DIRGEN SAME DAY. PELAGHIAS SAID REPORT OF HABIB-DIMITRIOU CONVERSATION HAD BEEN RECEIVED, ATTESTING THE CONCERN OF THE NEW U.S. ADMINISTRATION. IN LIGHT OF THIS AND EMBASSY'S REPRESENTATIONS, HE SAID HE WOULD AGAIN REVIEW CASE WITH ARCHBISHOP MAKARIOS.  
CRAWFORD

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